Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1. (Previously Presented) A battery comprises:

a battery can housing a cell that supplies electrical energy at terminals of the cell by an electro-chemical reaction with oxygen, the can including:

a first member having at least one hole that is exposed to air; and

a second member; and

a mechanism, to move a first one of the first and second members, the mechanism comprising:

a member whose shape deforms in response to a current drawn from the battery, the member being coupled to the first one of the first and second members to move the first one of the first and second members such that when current is drawn from the battery, the member has a first shape that allows air to pass through the opening in the first member into the battery and the member has a second shape that causes the one of the first and second members to move and inhibit air from passing through the opening and into the battery.

2. (Original) The battery of claim 1 wherein the first and second members are coaxially disposed cylinders each having at least one opening that are placed in and out of registration to allow or inhibit air from passing into the battery.

3. (Original) The battery of claim 1 wherein the first and second members are coaxially disposed cylinders each having a plurality of openings.

4. (Original) The battery of claim 1 wherein the first and second members are coaxially disposed cylinders each having a plurality of openings arranged in a column along the length of the cylinders.

5. (Original) The battery of claim 1 wherein the first and second members are cylinders and the mechanism is coupled to the second member that is coaxially disposed within the first member.

6. (Original) The battery of claim 1 wherein the mechanism is an actuator comprised of a shape memory alloy material.

7. (Original) The battery of claim 1 wherein the mechanism is an actuator comprised of a high force, low displacement shape memory alloy (SMA).

8. (Previously Presented) The battery of claim 7 wherein the actuator is coupled to a circuit and only draws power during a change of state allowing the circuit to minimize drain on the battery.

9. (Currently Amended) The battery of claim 6 wherein the actuator is a wire with the wire changing between a convex and a concave shape to change the position of the second cylinder.

10. (Original) The battery of claim 9 further comprising a member coupled between an upper end portion of the second member and the wire to transfer a force generated by the wire to the second member.

11. (Previously Presented) The battery of claim 6 wherein the actuator is a ribbon with the ribbon changing between a convex and a concave shape to change the position of the second cylinder.

12. (Previously Presented) The battery of claim 11 further comprising a member coupled between an upper end portion of the second member and the ribbon to transfer a force generated by the ribbon to the second member.

13. (Original) The battery of claim 6 wherein the actuator is a ribbon, wherein the first and second members are coaxially disposed cylinders each having a plurality of openings arranged in a column along the length of the cylinders.

14. (Withdrawn) The battery of claim 1 wherein the first member is a cylinder and the second member is a ribbon of a shape memory alloy material, the ribbon disposed over the at least one hole in the first cylinder.

15. (Previously Presented) The battery of claim ~~1~~ 6 wherein the first and second members are coaxially disposed cylinders each having a plurality of openings arranged in a column along the length of the cylinders.

Claims 16-50 are canceled.

51. (Currently Amended) A method of operating a battery, the method comprises:

controlling a quantity of air that enters a metal-air battery by:

passing current through a member to move from a first position to a second position a first cylindrical member having at least one hole that is exposed to air, with the second position providing the at least one hole in the first cylindrical member in registration with at least a second hole in ~~relative to~~ a second cylindrical member ~~having a least one hole, such that when current is drawn from the battery through the member the holes in the cylindrical members are in registration allowing air to pass into the battery,~~ and when current is not drawn from the battery the member causes the first cylindrical member to return to the first position such that the holes are not in registration inhibiting air to pass into the battery.

52. (Previously Presented) The method of claim 51 wherein the hole in the first and second cylinders is a first hole and each of the first and second cylinders each have a plurality of holes including the first hole.

53. (Previously Presented) The method of claim 52 wherein the first and second cylindrical members are coaxially disposed and the holes in each of the cylinders are arranged in a column along the length of the cylinders.

54. (Original) The method of claim 51 wherein moving comprises:

passing a current through a member comprised of a shape memory alloy material to change the shape of the member and effect movement of the first cylindrical member.

55. (Original) The method of claim 54 wherein the mechanism is an actuator comprised of a high force, low displacement shape memory alloy (SMA).

Claims 56-58 are canceled.

59. (Previously Presented) A battery comprises:

a battery can housing a cell that supplies electrical energy at terminals of the cell by an electro-chemical reaction with oxygen, the can including:

a first cylindrical member having at least one hole;

a second cylindrical member having at least one hole; and

a member coupled to one of the first and second cylindrical members to move the one of the first and second cylindrical members such that when current is drawn from the battery, the holes in the first and second cylindrical members are in registration to allows air to pass into the battery and to move the one of the first and second cylindrical members such that when current is not drawn from the battery, the holes in the first and second cylindrical members are not in registration to inhibit air to pass into the battery.

60. (Previously Presented) The battery of claim 59 wherein the first and second cylindrical members are coaxially disposed each having at least one opening that are placed in and out of registration to allow or inhibit air from passing into the battery.

61. (Previously Presented) The battery of claim 59 wherein the first and second cylindrical members are coaxially disposed each having a plurality of openings that are placed in and out of registration to allow or inhibit air from passing into the battery through the plurality of openings.

62. (Previously Presented) The battery of claim 59 wherein the first and second cylindrical members are coaxially disposed and each has a plurality of openings arranged in a column along the length of the cylindrical members.

63. (Previously Presented) The battery of claim 59 wherein the first and second cylindrical members are coaxially disposed and the mechanism is coupled to the second cylindrical member that is coaxially disposed within the first cylindrical member.

64. (Previously Presented) The battery of claim 59 wherein the mechanism is an actuator comprised of a shape memory alloy material.

65. (Previously Presented) The battery of claim 59 wherein the mechanism is an actuator comprised of a high force, low displacement shape memory alloy (SMA).

66. (Previously Presented) The battery of claim 65 wherein the actuator is coupled to a circuit that draws power during a change of state allowing the circuit to minimize drain on the battery.

67. (Previously Presented) The battery of claim 64 wherein the actuator is a wire.

68. (Previously Presented) The battery of claim 67 further comprising a member coupled between an upper end portion of the second member and the wire to transfer a force generated by the wire to the second member.

69. (Previously Presented) The battery of claim 64 wherein the actuator is a ribbon.

70. (Previously Presented) The battery of claim 69 further comprising a member coupled between an upper end portion of the second member and the wire to transfer a force generated by the wire to the second member.

71. (Withdrawn) A battery comprises:

a battery can housing an cell that supplies electrical energy at terminals of the cell by an electro-chemical reaction with oxygen, the can including:

a member having at least one hole that is exposed to air; and

a ribbon; and

a mechanism coupled to one of the member and the ribbon to move the one of the member and the ribbon such that when current is drawn from the battery the opening in the member allows air to pass into the battery.

72. (Withdrawn) The battery of claim 71 wherein the member is a cylinder having a plurality of openings.

73. (Withdrawn) The battery of claim 71 wherein the first member is a cylinder having a plurality of openings arranged in a column along the length of the cylinder.

74. (Withdrawn) The battery of claim 71 wherein the first member is a cylinder having a plurality of openings arranged in a column along the length of the cylinder and the ribbon is disposed in alignment to the column of openings.

75. (Withdrawn) The battery of claim 71 wherein the ribbon is comprised of a shape memory alloy material.

76. (Withdrawn) The battery of claim 71 wherein the ribbon is comprised of a high force, low displacement shape memory alloy (SMA).

77. (Withdrawn) The battery of claim 71 wherein the ribbon is coupled to a circuit that draws power during a change of state allowing the circuit to minimize drain on the battery.

78. (Withdrawn) A method of operating a battery, the method comprises:

controlling a quantity of air that enters a metal-air battery by:

moving a first member relative to a second member having a least one hole such that when current is consumed from the battery the at least one hole in the second member allows air to pass into the battery.

79. (Withdrawn) The method of claim 78 wherein the hole in the second member is a first hole and the second member has a plurality of holes including the first hole.

80. (Withdrawn) The method of claim 78 wherein the hole in the second member is covered by the first member that moves to expose the hole to air.

81. (Withdrawn) The method of claim 78 wherein moving comprises:

passing a current through the first member comprised of a shape memory alloy material to change the shape of the first member and effect movement of the first member to allow air into the hole in the second member.

82. (Withdrawn) The method of claim 78 wherein the first member is comprised of a high force, low displacement shape memory alloy (SMA).

83. (Currently Amended) A method of operating a battery, the method comprises:

controlling a quantity of air that enters a metal-air battery by:

passing current through a member to move a first member mechanically coupled to the first member relative to a second member having a least one hole that is exposed to air, such that when current is consumed from the battery, the hole in the second member is opened to permit air to flow through the hole into the battery and when current is not flowing through the member, the member causes the first member to move inhibiting air from flowing through the hole into the battery.

84. (Previously Presented) The method of claim 83 wherein when current is not drawn from the battery air is inhibited from entering the battery.

85. (Previously Presented) The method of claim 83 wherein first and second members are cylindrical members.

86. (Withdrawn) The method of claim 83 wherein first member is a ribbon and the second member is cylindrical member.

87. (Previously Presented) The method of claim 83 wherein moving comprises:

passing a current through an actuator comprised of a shape memory alloy material to change the shape of the member and effect movement of the first member.

88. (Withdrawn) The method of claim 83 wherein the first member is the actuator and is comprised of a high force, low displacement shape memory alloy (SMA).

89. (Previously Presented) The method of claim 83 wherein the actuator is attached to the first member is and is comprised of a high force, low displacement shape memory alloy (SMA).